

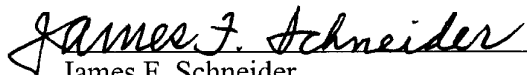
In re: §  
COMPLEX CHAPTER 11 CASES § ADMINISTRATIVE ORDER NO. 02-03  
§

1. A "Complex Chapter 11 Case" is defined as a case filed in the District of Maryland under Chapter 11 of the U. S. Bankruptcy Code that may require special scheduling and other procedures because of a combination of one or more of the following factors:
  - A. The need for "first day" emergency hearings for consideration of the use of cash collateral, debtor in possession financing, and other matters vital to the survival of the business;
  - B. The size of the case (usually total debt of \$50 million or more);
  - C. The large number of creditors and other parties in interest in the case;
  - D. The fact that claims against the debtor and/or equity interests in the debtor are publicly traded (with some creditors possibly being represented by indenture trustees);
  - E. The need for simplification of noticing and hearing procedures to reduce delays and expense; or
  - F. Other similar factors.
2. If any party commencing a Chapter 11 case believes that the case should be classified as a Complex Chapter 11 Case, the party shall file **with the bankruptcy petition** a Request for Designation as Complex Chapter 11 Case (**Form CCP-1**).
3. Upon the filing of the Request, the Court shall set hearings (collectively, the "Initial Hearing") on emergency motions seeking immediate relief ("First Day Motions") without a requirement of a motion for expedited hearing. The Court shall set hearings on First Day Motions as soon as practicable upon at least 24 hours notice. Counsel for the filing party shall telephonically notify the judge's law clerk for the assigned judge that First Day

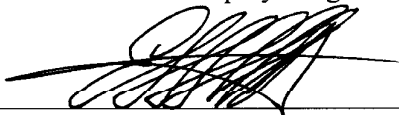
Motions are being filed and courtesy copies of all such motions and proposed orders shall be provided to Chambers during regular business hours, no later than the time of the filing of the First Day Motions.

4. Counsel may seek a hearing upon less than 24 hours notice by filing a separate emergency motion for expedited hearing.
5.
  - A. All First Day Motions must be served upon the United States Trustee, all secured creditors, the 20 largest unsecured creditors, any indenture trustee and any party in interest that has requested such service. Service shall also be made upon all counsel that represent these parties, to the extent known to the movant. Service must be completed before the motion is filed.
  - B. Upon the court setting a hearing upon First Day Motions, counsel for the filing party is required to immediately notify all parties enumerated above of the hearing time and date and shall thereafter file a certificate with the Court.
  - C. The filing party may telephonically request from the assigned Judge's Chambers, a hearing time and date before the First Day Motions are filed and send notice of that hearing assignment to the required service parties with service of the motion(s).
  - D. Service and/or notice under this paragraph must be accompanied by hand delivery, fax or e-mail (with permission of the addressee).
6. At the Initial Hearing in the case, the assigned judge shall determine whether the case appears to be a Complex Chapter 11 Case. If the assigned judge determines that the case appears to be a Complex Chapter 11 Case, the assigned judge shall issue an Order for Complex Chapter 11 Bankruptcy Case (**Form CCP-2**). The assigned judge shall make such changes to the form order as the judge may see fit and may rescind, revise, or issue subsequent scheduling orders at any time. If the assigned judge determines at the initial hearing that the case does not qualify as a Complex Chapter 11 Case, the assigned judge shall issue an Order Denying Complex Case Treatment at the conclusion of the hearing (**Form CCP-3**).

Date Signed: July 31, 2002



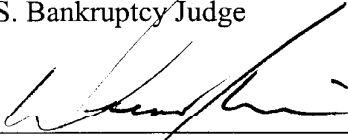
James F. Schneider  
Chief U.S. Bankruptcy Judge



E. Stephen Derby  
U.S. Bankruptcy Judge



Paul Mannes  
U.S. Bankruptcy Judge



Duncan W. Keir  
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

at \_\_\_\_\_

In re:	§	Case No.
	§	(Chapter 11)
Debtor	§	

**REQUEST FOR DESIGNATION AS COMPLEX CHAPTER 11 BANKRUPTCY CASE**

This bankruptcy case was filed on \_\_\_\_\_, 20\_\_\_\_. The Debtor believes that this case qualifies as a Complex Chapter 11 Bankruptcy Case because:

'                    There is a need for emergency consideration of the following "first day"  
'                    motions. **(NOTE: This ground alone is NOT sufficient).**

'                    The Debtor has total debt of more than \$\_\_\_\_\_million and unsecured non-  
'                    priority debt of more than \$\_\_\_\_\_ million;  
'                    There are more than \_\_\_\_\_creditors and other parties in interest in this case;  
'                    Claims against the Debtor are publicly traded;  
'                    Equity interests in the Debtor are publicly traded;  
'                    Other: Substantial explanation is required. (Attach additional sheets if  
'                    necessary.)

Date Signed: \_\_\_\_\_

\_\_\_\_\_  
Counsel for Debtor in Possession

cc:    Debtor  
      Debtor's Counsel  
      Committee Counsel  
      U.S. Trustee  
      Limited Service List

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

at \_\_\_\_\_

In re:	§	Case No.
	§	(Chapter 11)
	§	
	§	
Debtor	§	
	§	

**ORDER FOR COMPLEX CHAPTER 11 BANKRUPTCY CASE**

This bankruptcy case was filed on \_\_\_\_\_. A Request for Designation as Complex Chapter 11 Case was filed. After review of the initial pleadings filed in this case, the Court concludes that this appears to be a Complex Chapter 11 Case and issues this scheduling order, subject to rescission, revision, or modification as provided below:

1. **Service List and Limitation on Service:** The Debtor shall maintain a service list (“Service List”), identifying the parties that must be served whenever a motion or other pleading requires notice. Upon establishment of such a list, notices of motions and other matters will be limited to the parties on the Service List.
  - a. The Service List shall initially include the Debtor, Debtor’s counsel, counsel for the Unsecured Creditors’ Committee (if any), U.S. Trustee, all secured creditors, 20 largest unsecured creditors, any indenture trustee, and any party that requests notice (“Initial Service List”) and any party whose rights are directly affected by the pleading;
  - b. Any party in interest that wishes to receive notice, other than as listed on the Initial Service List, shall be added to the Service List by request filed in the case and served on the Debtor and Debtor’s counsel;
  - c. Parties on the Service List are encouraged to provide a fax number or e-mail address for service, and parties are encouraged to authorize service by fax or e-mail; consent to fax or e-mail service may be included in the party’s notice of appearance and request for service; notwithstanding consent to e-mail service, “hard copy” shall be served by fax or by regular mail;
  - d. The Initial Service List shall be filed within three (3) days after entry of this Order. A revised list shall be filed within fifteen (15) days after the Initial Service List is filed. The Debtor shall update the Service List, and shall file in the case a copy of the updated Service List at least every thirty (30) days thereafter.

2. **Hearing Days:** The Court hereby establishes (day of the week)\_\_\_\_\_ of the (number of week)\_\_\_\_\_ and \_\_\_\_\_ week of each month at \_\_\_\_\_ .m. as the scheduled hearing day (Hearing Day”) and time for hearing all motions and other matters in this case. Any exceptions to this Schedule will be noted on the Court’s internet site, available at:

<http://www.mdb.uscourts.gov>

3. **Setting Hearings and Giving Notice for Matters That Do Not Require Emergency or Expedited Treatment:**

All motions and other matters requiring hearing (including motions for relief from the automatic stay, but **NOT** including claims objections and adversary proceedings) shall be noticed for hearing on the next Hearing Day that is at least twenty three (23) days after the notice is mailed. As a preface to each pleading, just below the case caption, the pleading shall state in capital letters:

A HEARING WILL BE CONDUCTED ON THIS MATTER ON \_\_\_\_\_ AT \_\_\_\_\_ M. IN COURTROOM \_\_\_\_\_, \_\_\_\_\_, MARYLAND. IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST RESPOND IN WRITING, SPECIFICALLY ANSWERING EACH PARAGRAPH OF THIS PLEADING. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY DAYS (20) FROM THE DATE OF THIS NOTICE. IN ADDITION TO FILING YOUR RESPONSE WITH THE CLERK, YOU MUST SERVE A COPY OF YOUR RESPONSE TO THE PERSON WHO SENT YOU THE NOTICE AND TO ANY OTHER PARTY SPECIFIED IN THE NOTICE. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

The Court will set separate hearings for claims objections and adversary proceedings.

4. **Setting Hearings and Giving Notice of a Motion Requiring Emergency or Expedited Relief:**

If a motion requires emergency or expedited relief:

- a. The motion shall state with specificity the reason why an emergency exists or why there is a need for expedited treatment. No separate motion for an emergency hearing is required.
- b. Movant shall serve notice of the motion and of the hearing as set forth above, (including the language above giving notice of the hearing date and the necessity to file a response). However, the movant may choose a Hearing Day that is less than twenty three (23) days after notice is given. Movant should choose a date that allows as much time as possible for consideration and response by parties receiving the notice. The motion may be set for the next Hearing Day only if absolutely necessary.

- c. When the motion is called for hearing on the designated Hearing Day, the Court will first consider whether expedited treatment is required, whether adequate notice has been given, and whether there has been adequate opportunity for parties to be heard. The Court may decide to hear the matter at that time or the Court may issue other scheduling orders as the Court determines to be appropriate after consideration of the nature of the emergency, the adequacy of the notice, the impact of delay, the nature of the relief sought, and such other matters as the Court may consider to be cogent.
  - d. **Extraordinary Circumstances:** In very rare circumstances, a party may need relief that cannot be delayed until the next Hearing Day. In such circumstances, the movant may, by separate motion, request a hearing to be held prior to the next Hearing Day. If the Court grants such emergency treatment, the Court will direct the requisite notice and will set a hearing date and time. When the matter is called for hearing, the Court will first consider the propriety of emergency treatment as described in sub-paragraph (c) above.
  - e. Parties are encouraged to authorize opposing parties to serve them by fax or e-mail to facilitate notice of emergency and expedited hearings. If provided, it must be used.
5. **Proposed Hearing Agenda:** Before noon on the day that is at least two (2) business days prior to each Hearing Day, Debtor's counsel shall hand deliver to the judges chambers a Proposed Hearing Agenda and also shall file the Proposed Hearing Agenda with the clerk. Debtor's counsel shall contemporaneously provide the Proposed Hearing Agenda to counsel for the party against whom relief is requested, counsel for the Unsecured Creditors' Committee, all secured creditors, the United States Trustee, and those parties that have served a request for notices, by fax, e-mail or overnight mail.
- a. The Proposed Hearing Agenda, whether or not served on parties, is merely a proposal for the convenience of the Court and counsel. It is **NOT** determinative of the matters to be heard on that day and is not determinative of whether there will be a settlement or continuance.
  - b. The Proposed Hearing Agenda shall include:
    - i. The docket number and title of each matter to be scheduled for hearing on the next Hearing Day, including all related pleadings;
    - ii. Whether the matter is contested or uncontested;
    - iii. An estimate of the time required to hear each matter;
    - iv. Other comments that will assist the Court in organizing its docket for the day: (for example, if a request for continuance or withdrawal of the matter is expected); and
    - v. A suggested order in which the matters should be addressed.
  - c. Before noon on the day that is at least three (3) business days prior to each Hearing Day, other parties in interest may request in writing that Debtor's counsel add matters to the Proposed Hearing Agenda. If such a request is made, the Proposed Hearing Agenda should include the

matter requested or, if Debtor's counsel disagrees that the matter should be included, disclose the request and the basis for the Debtor's disagreement.

- d. On the Hearing Day, the Court may, or may not, accept the Hearing Agenda proposed by the Debtor.
6. **Participation in Some Hearings By Telephone:** Emergency and expedited hearings (and other hearings in limited circumstances) in this case may be conducted by telephone conference. Parties must request permission to participate by telephone by calling the judge's courtroom deputy.
7. **Case Captions:** Complex cases usually involve hundreds of motions. To facilitate motion tracking by the Clerk, each answer, reply, objection, and order filed or provided by a party in this case should contain, in its title or first paragraph, a reference to the docket number of the pleadings to which it responds. EXAMPLE:

Response by XYZ Bank to Debtor's Motion For Use of Cash Collateral.

[This pleading responds to Docket # \_\_\_\_]

8. **Noticing Agent and/or Claims Agent:** Debtor's counsel shall contact the Clerk immediately to discuss the anticipated workload with respect to sending notices to parties in interest and with respect to filing proofs of claim. If the Clerk concludes that the requirements for these functions will put unacceptable burdens on the Clerk's resources, the Debtor shall forthwith propose the appointment of a claims agent or noticing agent, or the Debtor shall propose another solution acceptable to the Clerk.
9. **Administrative Fee Procedure:** After notice and a hearing, the Court may enter an administrative order establishing procedures for interim compensation and reimbursement of professionals (**Form CCP-4**). The form may be modified as the circumstances of the case require.
10. **Procedures for Omnibus Objection to Claims:** Where the Debtor (or other party in interest) files an Omnibus Objection to Claims, the following procedures will apply:
  - a. The Objection shall include an alphabetical list of creditors whose claims are objected to together with a cross-reference to the claim number of each such claim. If the objection to a claim is based on more than one ground, the alphabetical list shall include a cross-reference to the location of each ground within the omnibus objection.
  - b. If the Objection is on a non-substantive basis that is clearly apparent from the claims docket (e.g., duplicate claims, amended or suspended claims, late-filed claims), copies of the proofs of claim need not be provided to the Court.
  - c. Where the Objection is that the proof of claim does not contain any invoices or other documents supporting the claim, a declaration to that effect (together with a hard copy of the proof of claim) shall be filed with the Court at the time the Objection is filed.

- d. Without leave of court, no omnibus objection to claims is permitted on substantive grounds. A separate objection to each claim is required.
- e. At least 48 hours before the hearing on an Objection based on substantive grounds, a Notice of Submission of Copies of Proofs of Claim is to be filed stating that copies of the claims together with any attachments have been delivered to chambers and that copies can be requested from the Debtor's counsel.
- f. Any claimant may request to participate telephonically in a hearing on an Objection to proofs of claim by calling the courtroom deputy at least 24 hours prior to the scheduled hearing time. If more than one party is appearing, the Debtor's counsel shall conference all interested parties and place on call to the Court.
- g. Where a hearing on an Objection to a claim will involve substantial time, the Court may schedule it for a separate hearing date.

11. **Debtor in Possession Bank Accounts:**

- a. Bank Accounts and Checks. Where the Debtor uses pre-printed checks, upon motion of the Debtor, the Court may, without notice and hearing, permit the Debtor to use its existing checks without the designation "Debtor in possession" and use its existing bank accounts. However, once the Debtor's existing checks have been used, the Debtor shall, when reordering checks require the designation of "Debtor in possession" and the corresponding bankruptcy number on all such checks.
- b. Sections 345 Waiver. No waiver of the investment requirements of 11 U.S.C. § 345 shall be granted by the Court, except on notice with an opportunity for hearing. However, if a motion for such a waiver is filed on the first day of a Chapter 11 case in which there are more than 200 creditors, the Court may grant an interim waiver until a hearing on the Debtor's motion can be held.

12. **Cash Collateral and Financing Orders:**

- a. Motions. Except as provided herein, all cash collateral and financing requests under 11 U.S.C. §§ 363 and 364 shall be heard by motion filed pursuant to Federal Bankruptcy Rule 2002, 4001 and 9014 ("Financing Motions").
  - i. Provisions to be Highlighted. All Financing Motions must (1) recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below, (2) identify the location of any such provision in the proposed form of order, cash collateral stipulation and/or loan agreement, and (3) the justification for the inclusion of such provision.
    - (A) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors (i.e., clauses that secure prepetition debt by postpetition assets in which the secured



creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law).

- (B) Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured creditor's prepetition lien or debt or the waiver of claims against the secured creditor without first giving parties-in-interest at least 75 days from the entry of the order and the unsecured creditors' committee, if formed, at least 60 days from the date of its formation, to investigate such matters.
- (C) Provisions that seek to waive, without notice, whatever rights the estate may have under 11 U.S.C. § 506(c).
- (D) Provisions that grant immediately to the prepetition secured creditor liens on the Debtor's claims and causes of action arising under 11 U.S.C. §§ 544, 545, 547, 548 and 549.
- (E) Provisions that deem prepetition secured debt to be post-petition debt or that use post-petition loans from a prepetition secured creditor to pay part or all of that secured creditor's prepetition debt, other than as provided in 11 U.S.C. § 552(b).
- (F) Provisions that provide disparate treatment for the professionals retained by the unsecured creditors' committee from that provided for the professionals retained by the Debtor with respect to a professional fee carve out.
- (G) Provisions that prime any secured lien, without the consent of that lienor.

ii. All Financing Motions shall also provide a summary of the essential terms of the proposed use of cash collateral and/or financing (e.g., the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protection afforded under 11 U.S.C. §§ 363 and 364).

- b. Interim Relief. When Financing Motions are filed with the Court on or shortly after the date of the entry of the order for relief, the Court may grant interim relief pending review by the interested parties of the proposed debtor in possession financing arrangements. Such interim relief is intended to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the Court shall not approve interim financing orders that include any of the provisions previously identified in subsection (a)(i)(A) through (a)(i)(G) of this Rule.
- c. Final Orders. A final order shall be entered only after notice and a hearing pursuant to Federal Bankruptcy Rule 4001 and Local Bankruptcy Rule 2002-1(b). Ordinarily, the final hearing shall be held at least ten (10) days following the organizational meeting of the unsecured creditors' committee contemplated by 11 U.S.C. § 1102.

13. **Bridge Orders Not Required in Certain Circumstances: If a motion to extend the time to take an action is filed before the deadline for such action that is set by 11 U.S.C., the Federal Rules of Bankruptcy Procedure or the Local Bankruptcy Rules, the deadline shall automatically be extended until the Court acts on the motion, except for a motion to extend the time to assume or reject an unexpired lease of nonresidential real property under 11 U.S.C. § 365(d)(4).**
14. **Exception to Local Counsel Requirement:**
- a. Local Bankruptcy Rule 9010-3 is modified in this case so that an attorney who is not a member of the Bar of the United States District Court for the District of Maryland need not be admitted pro hac vice in order to:
    - i. File a response to an objection to a proof of claim;
    - ii. Participate telephonically in a hearing during the 60-day period after the Petition Date, with permission of the courtroom deputy. However, no permission will be granted if evidence is to be presented at such hearing, or
    - iii. File a responsive pleading within the 60-day period after the Petition Date.
  - b. An attorney must comply with Local Bankruptcy Rule 9010-3 to appear in person before this Court.
  - c. An attorney who is a member of the Bar of the United States District Court for the District of Maryland and who represents a party as co-counsel with an attorney who has been admitted pro hac vice (1) must sign all pleadings filed on behalf of her or his client, but (2) is not required to accompany pro hac vice counsel at hearings or other Court appearances after introducing pro hac vice counsel to the Court.
15. **Notice and Objections to this Order:** The Debtor shall give notice of this Order to all parties in interest within five (5) business days. The Clerk shall post a copy of this Order on the Court's internet site located with other matters in this case. If at any time a party objects to the provisions of this Order, that party shall file a motion for appropriate relief, articulating the objection and the relief requested. After consideration of the motion and any responses, the Court may grant appropriate relief, if any is required. The Court may also, *sua sponte*, revise, modify, or rescind this Order.

Date Signed: \_\_\_\_\_

United States Bankruptcy Judge

cc: Debtor  
 Debtor's Counsel  
 Committee Counsel  
 U.S. Trustee  
 Limited Service List

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

at \_\_\_\_\_

In re:

§  
§  
§  
§  
§  
§  
§

Case No.  
(Chapter 11)

Debtor

**ORDER DENYING COMPLEX CASE TREATMENT**

This bankruptcy case was filed on \_\_\_\_\_, 20\_\_\_\_. A Notice of Designation as Complex Chapter 11 Case was filed. After review of the initial pleadings filed in this case, the Court concludes that the case does not appear to qualify as a Complex Chapter 11 Case. Therefore, it is, by the United States Bankruptcy Court for the District of Maryland

ORDERED, that the Request for Designation as Complex Chapter 11 Bankruptcy Case is hereby DENIED.

Date Signed: \_\_\_\_\_

\_\_\_\_\_

United States Bankruptcy Judge

cc: Debtor  
Debtor's Counsel  
Committee Counsel  
U. S. Trustee  
Limited Service List

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

at \_\_\_\_\_

In re:

§ Case No.  
(Chapter 11)

§

Debtor

§

**ADMINISTRATIVE ORDER PURSUANT TO 11 U.S.C. §§ 105, 328 AND 331  
ESTABLISHING PROCEDURES FOR INTERIM COMPENSATION AND  
REIMBURSEMENT OF PROFESSIONALS**

Upon consideration of the Motion of the above-captioned debtors and debtors-in-possession herein (collectively, the “Debtors”) for an administrative order pursuant to Sections 105, 328 and 331 of Title 11 of the United States Code (the “Bankruptcy Code”) establishing procedures for interim compensation and reimbursement of professionals (the “Motion”); and after consideration of any objections filed thereto, and any hearings held thereon; and appearing that adequate notice of the Motion was provided and that no further notice is necessary; and for good cause shown; and it appearing that the relief requested in the Motion is in the best interests of the Debtors, their creditors and the estates; it is this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the United States Bankruptcy Court for the District of Maryland, hereby

**ORDERED**, that, except as may otherwise be provided in Orders of this Court that authorized the retention of specific professionals on different terms, all professionals employed under Sections 327 or 1103 of the Bankruptcy Code (the Professionals) in these cases may seek interim compensation in accordance with the following procedures:

- (a) No earlier than the fifteenth day, and no later than the last day, of each month following the month for which compensation is sought, each Professional will file with the Court and serve via facsimile, e-mail, overnight mail, or hand delivery, a monthly statement (the “Monthly Statement”), (**Form CCP-5**), together with (1) the cover page referenced in paragraph (k) below and (2) as an exhibit to each Monthly Statement, the detailed daily time entries and summaries of time normally submitted with an interim fee application (redacted as may be necessary and appropriate), as well as a detailed summary of all disbursements and expenses for which the Professional is seeking reimbursement (said detailed summary of all disbursements and expenses to be in conformity with paragraph C of Appendix D of the Local Bankruptcy Rules for the District of Maryland) on the

following: (A) Debtors counsel, \_\_\_\_\_; (B) Office of the United States Trustee, \_\_\_\_\_, Attention: \_\_\_\_\_; (C) counsel for any Committee appointed pursuant to Section 1102 of the Bankruptcy Code (the “Committees”); and [such other parties as the Court may direct], (collectively, the “Reviewing Parties”).

- (b) In the event any of the Reviewing Parties has an objection to any portion of the Fees or Expenses sought in a particular Monthly Statement, based on a preliminary view that such fees and expenses are not properly allowable, they or it shall, on or before the fifteenth calendar day after the date of the filing of the Monthly Statement at issue, serve by facsimile, overnight mail or hand delivery upon the Professional whose Monthly Statement is objected to, and the other Reviewing Parties, a written “Notice of Objection to Fee Statement” setting forth, at a minimum, the specific items and amount of Fees and Expenses to which the Reviewing Party objects and the basis for the objection. Thereafter, the Professional can seek payment of objected to Fees and Expenses through the Professional’s next interim fee application, as described below;
- (c) If no objection to any respective Professional’s Monthly Statement is served by the deadline set forth in paragraph (b) above, the Debtors shall pay the amount of such Fees and Expenses less a 20% Holdback of the Fees, not later than the fifteenth calendar day after the last day on which any objections to the Monthly Statement were to be served and filed in accordance with paragraph (b) above;
- (d) If an objection to any respective Professional’s Monthly Statement is served by the deadline set forth in paragraph (b) above, the Debtors shall pay the amount of such Fees and Expenses requested in the Monthly Statement less any amount objected to and less a 20% Holdback of the Fees not objected to, by not later than the fifteenth calendar day after the last day on which any objections to the Monthly Statement were to be served and filed in accordance with paragraph (b) above. If following the service of an objection to a Monthly Statement the Professional and the party serving the objection are able to resolve their dispute in whole or in part, the Professional may serve on the Reviewing Parties a notice describing the terms of the resolution and the Debtors shall pay the balance of the Fees and Expenses no longer objected to (still applying a 20% Holdback as to Fees not subject to an objection) not later than the fifteenth calendar day after the date of service of the notice of resolution provided that such notice is served by facsimile, e-mail, overnight mail or hand delivery;
- (e) The first Monthly Statement submitted by a Professional under this Order shall cover all periods from the Petition Date through \_\_\_\_\_, and it may be filed no earlier than the 15<sup>th</sup> of the following month and no later than the end of the following month. Other than the first Monthly Statement submitted by each of the Professionals pursuant to this

Order, each Monthly Statement will cover a single calendar month;

- (f) Neither an objection nor a failure to object shall prejudice a party's right to object to an interim or final fee application on any ground. Resolution of an objection shall not constitute a waiver of a party's right to object to an interim or final fee application, nor shall it prejudice the right of a Professional to seek full allowance of the balance of all fees and expenses in an interim or final fee application.
- (g) The monthly Fees and Expenses paid pursuant to Monthly Statements under this Order shall not be deemed allowed or disallowed for purposes of Sections 330 or 331 of the Bankruptcy Code. Rather, for each "Fee Period" set forth in paragraph (i) below, each Professional shall file with the Court and serve on the Reviewing Parties an application for interim approval and allowance of the Fees and Expenses requested pursuant to Section 331 of the Bankruptcy Code (the "Interim Fee Applications") and in conformity with Appendix D to the Local Bankruptcy Rules for the District of Maryland; and serve notice of the filing of such Interim Fee Application on those parties set forth in paragraph (a) above as well as parties who have requested notice pursuant to Federal Bankruptcy Rule 2002;
- (h) If a Professional fails to serve a Monthly Statement timely, said Professional may not incorporate it into the next Monthly Statement, but the Professional may seek said fees in the next Interim Fee Application;
- (i) Each professional shall file its first Interim Fee Application covering the period from the Petition Date through and including \_\_\_\_\_ on or before \_\_\_\_\_. Thereafter, each Interim Fee Application will cover one of three Fee Periods in each calendar year. An Objection to an Interim Fee Application shall be filed on or before the 25<sup>th</sup> day on the month following the filing and serving of the Interim Fee Application. The three Fee Periods (following the first Fee Period) and the deadlines for filing, or objecting to an Interim Fee Application for each such Fee Period are as follows:

Fee Period	Deadline to File Interim Fee Application	Deadline to File Objection to Interim Fee Application
January 1 - April 30	May 31	June 25
May 1 - August 30	September 30	October 25
September 1 - December 31	January 31	February 25

- (j) If a Professional fails to file and serve an Interim Fee Application timely, then said Professional may incorporate said fees into the next Interim Fee Application, but the Professional may not receive payment on any intervening Monthly Statements until the next Interim Fee Application is filed;
- (k) Each Professional's Monthly Statement and Interim Fee Application shall be divided into discrete service categories in conformity with Appendix D to the Local Bankruptcy Rules for the District of Maryland or as otherwise agreed upon by the United States Trustee and the Professional;
- (l) Each Monthly Statement and Interim Fee Application shall be accompanied by a summary sheet (**Form CCP-6**);
- (m) To the extent that any deadline set forth herein would fall on a Saturday, Sunday or "legal holiday," as that term is defined by Federal Bankruptcy Rule 9006, such deadline shall be extended to the next day that is not a Saturday, Sunday or legal holiday;
- (n) If a Professional's application to be employed is pending but has not yet been granted by the Court, said Professional shall nonetheless timely submit all Monthly Statements and Interim Fee Applications during such pendency; however, all payments under said Monthly Statements and Interim Fee Applications shall be held back by the Debtors pending approval by the Court of the employment of said Professional;
- (o) Upon the agreement of a Professional and an objecting party, a deadline for objecting to a Monthly Statement or an Interim Fee Application may be extended with respect to such Professional without further Order of the Court, provided that notice of such agreement is served on the other Reviewing Parties and, in the case of an objection to an Interim Fee Application, filed with the Court on or before the deadline. Except as otherwise set forth herein, the terms and provisions of this Order may only be modified or amended by further Order of the Court;
- (p) Where the Debtors' Professionals utilize the services of a third party copy service to reproduce and/or serve pleadings or other papers in these proceedings, the Debtor may directly pay (in advance or upon invoice) said third parties for said services, including among other things, any associated postage, overnight delivery or other charges, and thereafter report said expense on the Debtors' monthly reports. Alternatively, said third party copy service charges may be paid by the Debtors' Professionals and included for reimbursement in their next Monthly Statement or Interim Fee Application; and it is further,

**ORDERED**, that all monthly Fees and Expenses paid pursuant to this Order shall be subject to the provisions of Sections 330 and 331 of the Bankruptcy Code. Further, such monthly Fees and

Expenses are reviewable and subject to revision before and at the end of the cases in accordance with Section 330 of the Bankruptcy Code. In any proceedings conducted under Section 330, nothing contained in this Order shall be deemed to change the burden of proof under applicable law. The United States Trustee, the Debtors, the Committees, and other parties in interest may object to the final allowance under Section 330 of all or any part of the amounts requested, including those amounts already awarded and those subject to holdback.

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United States Bankruptcy Judge

cc: Debtor's Counsel  
Office of the U.S. Trustee  
Limited Service List  
Applicant



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
at \_\_\_\_\_

In re:

§ Case No.  
(Chapter 11)  
§

Debtor §

**MONTHLY STATEMENT OF SERVICES RENDERED  
AND EXPENSES INCURRED BY \_\_\_\_\_  
FOR THE PERIOD \_\_\_\_\_ THROUGH \_\_\_\_\_**

Pursuant to the Administrative Order Pursuant to 11 U.S.C. §§ 105, 328 and 331  
Establishing Procedures for Interim Compensation and Reimbursement of Professionals entered by the  
Court on \_\_\_\_\_, \_\_\_\_\_, counsel for  
\_\_\_\_\_, submits this Statement of Services Rendered and Expenses Incurred (the  
Statement) in this case for the period \_\_\_\_\_ through \_\_\_\_\_ (the  
Statement Period).

**I. Itemization of Services Rendered by \_\_\_\_\_:**

- A. The following summary of the hours spent for which applicant seeks compensation, the hourly rate for each attorney and legal assistant and the resulting fees are as follows:

## SUMMARY

Name	Position	Hours	Hourly Rate	Fees Earned
<b>Total</b>				

- B. The time records of applicant are an exhibit consisting of a daily breakdown of the time spent by each person on each day, and detail as to the disbursements incurred.
- C. The blended hourly rate for all services during the Statement Period is \$\_\_\_\_\_ per hour.\*

\*The blended hourly billing rate per hour is derived by dividing the total fees of \$\_\_\_\_\_ by the total hours of \_\_\_\_\_.

**II. The Maryland Guidelines for Fee Applications**

- A. In accordance with the Maryland Compensation Guidelines for Professionals, applicant has organized its detailed breakdown of time entries by tasks. For the Statement Period, the time entries are divided into the following task categories (the “Task Categories”):

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

- B. Itemization of Services Rendered and Disbursements Incurred By Category

The following itemization presents the services rendered by applicant by Task Categories and provides a summary of disbursements incurred by form of disbursement.

- C. Services Rendered

The following services were rendered in the following Task Categories:

<b>Task Category</b>	<b>Hours Fees Earned</b>	
1.		\$
2.		
3.		
4.		
5.		
6.		
7.		
<b>TOTAL</b>		\$

A detailed itemization of the services rendered in each of the above Task Categories is set forth in the exhibit.

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D. Disbursements Incurred

The disbursements incurred by applicant for this Statement are as follows:

<b>[List Categories of Disbursements]</b>	<b>[Amount]</b>
	\$
<b>TOTAL</b>	\$

E. Total Requested for Services Rendered and Disbursements Incurred

1. The total requested for services rendered and disbursements incurred, after adjusting for billing judgement, is as follows:

<b>Total Requested for Services Rendered</b>	\$
<b>Total Requested for Disbursements</b>	\$
<b>TOTAL</b>	\$

1. In the exercise of billing judgment, applicant has reduced the amount of fees requested herein for services rendered by \$\_\_\_\_\_.
2. The amount payable for this Statement Period, after adjusting for the twenty percent (20%) holdback, is \$\_\_\_\_\_.

Counsel respectfully requests that said amount be paid pursuant to the Court's Administrative Order.

Date Signed:\_\_\_\_\_

\_\_\_\_\_  
Signature of Professional  
[Name, Address and Telephone Number of  
Professional]

Client\_\_\_\_\_

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
at \_\_\_\_\_

In re:

§  
§  
§  
§

Case No.  
(Chapter 11)

Debtor §

**[FIRST] MONTHLY APPLICATION OF \_\_\_\_\_**  
**AS COUNSEL FOR THE \_\_\_\_\_ FOR INTERIM**  
**COMPENSATION AND REIMBURSEMENT OF EXPENSES INCURRED FOR THE**  
**PERIOD \_\_\_\_\_ THROUGH \_\_\_\_\_**

Name of Applicant:

Authorized to Provide  
Professional Services to:

Date of Retention:

(Pursuant to Order dated \_\_\_\_\_)

Period for Which Compensation  
and Reimbursement is Sought:

\_\_\_\_\_ Through \_\_\_\_\_

Amount of Compensation Sought  
as Actual, Reasonable and Necessary: \$

Amount of Expense Reimbursement  
Sought as Actual, Reasonable and Necessary: \$

This is a: \_\_\_monthly\_\_\_interim\_\_\_final application.

Date Signed: \_\_\_\_\_

\_\_\_\_\_  
Signature of Professional  
[Name, Address and Telephone Number  
of Professional]

Client \_\_\_\_\_